



FITCHBURG CITY CLERK

Oct 18 2023 8:37 am

**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councillors at Large

**Sally H. Cragin
Marcus L. DiNatale
Amy Green
Samantha M. Squailia
Anthony M. Zarrella**

President

Anthony M. Zarrella

Vice President

Andrew J. Van Hazinga

Ward Councillors

**Ward 1 – Bernard J. Schultz III
Ward 2 – Paul R. Beauchemin
Ward 3 – Andrew J. Couture
Ward 4 – Andrew J. Van Hazinga
Ward 5 – Marisa R. Fleming
Ward 6 – Derrick J. Cruz**

The regular meeting of the City Council of the City of Fitchburg was held at the Legislative Building at 700 Main Street and over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on October 3, 2023.

The meeting was called to order by President Zarrella at 7:02 P.M. The meeting opened with a salute to the Flag led by President Zarrella. The City Clerk called the roll 11 Councilors were present (Councilor Beauchemin and Councilor Schultz via Zoom). Board consists of 11 members.

I. PUBLIC FORUM

- Liz Murphy, Executive Director Community Development and Planning, in support of Petition 226-23.
- Nicholas Erickson, DPW Director, in support of petitions 226-23, 227-23, 228-23
- Ralph Baker, Fitchburg Resident and Vice President of the Nashua River Watershed Association in support of petition 227-23

II. ANNOUNCEMENTS

On Wednesday, October 18th, the City of Fitchburg will host a delegation of young women from Armenia who are elected officials and are here to learn about the duties of their counterparts in Cities and Towns in New England. This visit is sponsored by the Cambridge-Yerevan Sister City Association (CYSCA). If you are interested please contact Councilor Sally Cragin at 978-320-1335.

British American Club is hosting their Annual Chicken Barbeque, Sunday, October 15th, from 1:00 PM – 4:00 PM, meal includes half chicken, baked potato, corn on the cob, coleslaw. Open to the public, \$15.00 per meal, tickets are available at the club, 1 Simunds Rd.

Councilor Schultz: The next meeting of the Widowed Helping Widowed Support Group will take place on Thursday, October 5, 2023 from 4 until 5:30 p.m. in Room 203 at the Fitchburg State University Recreation Center, 130 North Street. Kelley Lynn and Bernie Schultz will co-facilitate the meeting.

City Clerk: Fitchburg Municipal Election is November 7, 2023, Polls will be open from 7:00 AM – 8:00 PM

Last Day to register to vote for the November 7th Municipal Election is Saturday, October 28th, 8:30AM – 5:00 PM, at City Hall.

Last Day to request a mail-in Ballot for the November 7th Municipal Election is Tuesday, October 31st by 5:00 PM.

In-person Early Voting is scheduled for Saturday, October 28th, 10:00 AM – 2:00 PM
Monday, October 30th – Friday, November 3rd, 8:30 – 4:30 PM, Location to be determined.

Last Day to request an Absentee Ballot for the November 7th Municipal Election, Monday, November 6, 12:00 PM

III. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of September 19, 2023 were correctly recorded. Report accepted and minutes adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

IV. COMMUNICATIONS

His Honor the Mayor

1. Re-Appointment letter:

Ms. Michele Marino, as Veterans Service Commissioner, term to expire October 1, 2026.

Report accepted. Appointment referred to the Appointments Committee by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Chief Suarez will be presenting a change that is necessary to resolve a “Continuity of Operation” And a “Chain of Command” issue that the Fire Department’s organizational structure is currently experiencing.

[Proposed Changes to Fire Department Structure - Fire Chief Suarez](#)

V. REPORT OF COMMITTEE

Economic Development **Meeting of September 21, 2023**

[Economic Development Meeting Minutes](#)

Report read and accepted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

VI. ORDERS – FINANCE

Motion and second for suspension of rules on Orders 226-23, 227-23 and 228-23 by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

226-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation 2022 Economic Development Bill Earmark in the approximate amount of \$125,000 (ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS) for the purpose of said grant, which is to establish redevelopment strategies to improve the roadway, flooding concerns, underground infrastructure, and user safety, and to promote private economic development surrounding Moran Square.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

227-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness Program Action Grant for Nashua River Watershed Natural Solutions, in the approximate amount of \$403,985 (FOUR HUNDRED THREE THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS), which was awarded in partnership with the Nashua River Watershed Association and four other municipalities, for the purpose of developing watershed-wide maps and charts to be used to conduct robust public involvement through which nature based solutions projects can be tailored for each municipality.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

228-23. ORDER THAT: the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness Program Action Grant for Generating Resiliency Downtown, in the approximate amount of \$293,800 (TWO HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED DOLLARS) for the purpose of developing nature-based solutions to address Stormwater issues and the urban heat island effect within the area of the City's next combined sewer separation (CSS) project.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

VII. ORDERS – OTHER

229-23. ORDER THAT: **WHEREAS**, in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 25 First Street, Assessor’s Map 69, Block 40, Lot 0, after declaration of an Affidavit of Land of Low Value, and **WHEREAS**, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchasers, Nelida E. Guzman and Jose M. Torres, of the abutting property located at 6 Middle Street, Fitchburg, Worcester County, Massachusetts, have a particular use for the same, and **WHEREAS**, the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 232-16, which petition was approved by the Council on September 20, 2016, and referred for sale under the City’s Side Yard Sales program, and **WHEREAS**, the Side Yard Sales Committee voted on September 5, 2023 to recommend the sale of said parcel to Nelida E. Guzman and Jose M. Torres, owners of abutting property located at 6 Middle Street. **NOW THEREFORE IT IS ORDERED** that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City’s Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel: Shall be kept free of garbage and debris, and Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership. **AND IT IS FURTHER ORDERED AND VOTED:** That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and on behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and execute the Agreement for Right of First Refusal and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

230-23. ORDER THAT: **WHEREAS**, in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 46 Mt. Vernon Street, Assessor’s Map 43, Block 56, Lot 0, after declaration of an Affidavit of Land of Low Value, and **WHEREAS**, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchaser, Heriberto Figueroa of 25 Main Street, Greenville, New Hampshire, owner of the abutting property located at 44 Mt. Vernon Street, Fitchburg, Worcester County, Massachusetts, has a particular use for the same, and **WHEREAS**, the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 164-22, which petition was approved by the Council on July 5, 2022, and referred for sale under the City’s Side Yard Sales program, and

WHEREAS, the Side Yard Sales Committee voted on September 5, 2023 to recommend the sale of said parcel to Heriberto Figueroa, owner of abutting property located at 44 Mt. Vernon Street, and **NOW THEREFORE IT IS ORDERED** that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City's Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel:
Shall be kept free of garbage and debris, and
Shall, be subject to the City maintaining the right of first refusal as described in the attached Agreement of First Refusal, and
Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.

AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and on behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and execute the Agreement for Right of First Refusal and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

231-23. **ORDER THAT:** **WHEREAS**, in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 46 Allen Place, Assessor's Map 51, Block 29, Lot B, after foreclosure of the City's tax lien, and
WHEREAS, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchaser, Sheela Irani Hiremath of 376 Medford Street, Somerville, Middlesex County, Massachusetts, owner of the abutting property located at 50 Allen Place, Fitchburg, Worcester County, Massachusetts, has a particular use for the same, and
WHEREAS, the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 139-19, which petition was approved by the Council on June 4, 2019, and referred for sale under the City's Side Yard Sales program, and
WHEREAS, the Side Yard Sales Committee voted to recommend the sale of said parcel to Sheela Irani Hiremath, owner of abutting property located at 50 Allen Place.
NOW THEREFORE IT IS ORDERED that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City's Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel:
Shall be kept free of garbage and debris, and
Shall, be combined for purposes of future conveyances with the abutting property owned by said purchasers, namely those located at 50 Allen Place, Fitchburg, Massachusetts and described in Quitclaim Deed from Najma Mahmood, dated and

recorded August 2, 2018 in the Worcester North Registry of Deeds at Book 9134, Page 258 (the “abutting lot”), and
Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.

AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and on behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

232-23. ORDER THAT: **WHEREAS**, in the opinion of the City Council of Fitchburg, the City is the owner of a certain parcel of land and any buildings thereon located at 35 Davis Street, Assessor’s Map 19, Block 59, Lot 0, after foreclosure of the City’s tax lien, and
WHEREAS, the City of Fitchburg no longer has any use for the aforesaid parcel and the purchasers, James E. Sawyer and Sheryl A. Sawyer, of the abutting property, 2 Highland Court, Fitchburg, Worcester County, Massachusetts, have a particular use for the same, and
WHEREAS, the City Treasurer, Anne M. Cervantes, petitioned the Fitchburg City Council to declare this parcel as excess by Petition 026-20, which petition was approved by the Council on March 5, 2020, and referred for sale under the City’s Side Yard Sales program, and
WHEREAS, the Side Yard Sales Committee voted on September 5, 2023 to recommend the sale of said parcel to abutters James E. Sawyer and Sheryl A. Sawyer of 2 Highland Court, Fitchburg, Massachusetts.
NOW THEREFORE IT IS ORDERED that, in consideration of the payment of Three Hundred (\$300.00) Dollars, to be paid to the City Treasurer inclusive of the cost of recording and a pro forma tax as required by Chapter 44, Section 63A, the City of Fitchburg sells the above described parcel of land to said purchasers through the City’s Side Yard Sales Program, subject to the following restrictions, which shall run with the parcel and be enforceable by the City, that said parcel:
Shall be kept free of garbage and debris, and
Shall, be combined for purposes of future conveyances with the abutting property owned by said purchasers, namely those located at 2 Highland Court, Fitchburg, Massachusetts and described in Quitclaim Deed from Arthur H. Sawyer and Joyce A. Sawyer, dated June 11, 1991 and recorded on June 12, 1991 in the Worcester North Registry of Deeds at Book 2084, Page 29 (the “abutting lot”), and
Shall, henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.
AND IT IS FURTHER ORDERED AND VOTED: That Stephen L. DiNatale, Mayor of the City of Fitchburg, be and is hereby authorized for and in behalf of said City to execute, acknowledge and deliver said deed of conveyance in form substantially similar to that attached hereto, and to take any other action and execute any other documents required or convenient for conclusion of the sale thereof.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

235-23. ORDER THAT: WHEREAS, the City of Fitchburg and N Number Holdings, LLC, a New York Limited Liability Company, registered to do business in Massachusetts, having a principal place of business at 900 Route 146, Clifton Park, NY 12065, have entered into a ground lease, to lease the helipad and an area of 7543.8 sq. ft. pursuant to the terms of the attached ground lease.

NOW THEREFORE, IT IS ORDERED that the City of Fitchburg shall, through its Mayor, Stephen L. DiNatale, approve and authorize the execution and delivery of the ground lease, between the City and N Number Holdings, LLC, and to authorize all other acts and documents which will be necessary, helpful or convenient, to effectuate and ensure the completion of the Building Lease. Fitchburg Municipal Airport Ground Lease.

Order adopted by unanimous consent 11/0. 11 members present. Board consist of 11 members.

Order signed by Mayor on October 4, 2023

236-23. ORDER: Authorizing the City Clerk to notify the voters of the Municipal Election to be held on November 7, 2023.

Order adopted by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Order signed by the Mayor October 4, 2023

VIII. PETITIONS

The following petitions were referred to the Public Works Committee:

233-23. Councilors Sam Squailia & Paul Beauchemin to install a berm at 517 Rollstone St approximately 15ft long in front of Fire Hydrant to mitigate erosion.
(Public Works)

234-23. Councilors Sam Squailia & Marisa Fleming to install a berm between 29 and 1 High rock Rd., approx 140ft., to direct water on the roadway to the existing catch basin and mitigate erosion.
(Public Works)

237-23. City Councilor Bernie Schultz, on behalf of Gary Lundy of 15 Brigham Street, to request temporary filling of large holes on Charles Street sidewalk, from Brigham Street to Laurel Street, followed by the complete replacement of the same section of Charles Street sidewalk.
(Public Works)

238-23. Councilor Paul Beauchemin to replace the berm at 19 Frankfort Street
(Public Works)

IX. OTHER BUSINESS

The Honorable Mayor DiNatale provide an update on the Upper Common project. The project is being worked on by the Department of Public Work, Fitchburg Waste Water Department, Wesson and Sampson, and J A Polito & Sons, hired professionals. The project should be completed in the month of November, as committed. Some traffic changes occurred and will be changed again by Wednesday evening. All work being completed on this project is being handled by paid professionals. The project is currently on target to be completed on schedule.

Next Regular Meeting
Tuesday, October 17, 2023, at 7:00 PM

The meeting adjourned at 8:36 P.M.

Joanna Bilotta-Simeone

Joanna Bilotta-Simeone, City Clerk